IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 29995 of 2007(U)

PETITIONER:

THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., KOTTAYAM, REPRESENTED BY THE GENERAL MANAGER.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **ELAMGULAM SERVICE CO-OPERATIVE BANK LTD.NO.3576 KOORALI P.O, PIN - 686 522, REPRESENTED BY ITS ADMINISTRATOR.**

3. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.**

R1 & R3 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

R 2 BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 29995 OF 2007 U

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 9.3.1999.

EXT.P2 TRUE COPY OF THE DECISION TAKEN ON 9.9.2001.

EXT.P3 TRUE COPY OF THE LETTER DATED 30.4.2002.

EXT.P4 TRUE COPY OF THE DECISION NO.1 DATED 28.8.2002.

EXT.P5 TRUE COPY OF THE DECISION DATED 4.9.2002.

EXT.P6 TRUE COPY OF THE ORDER NO. C.B.(3) 31637/2002 DATED 10.9.2002.

EXT.P7 TRUE COPY OF THE APPLICATION DATED 20.9.2007 GIVEN TO THE THIRD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 29995 OF 2007 U

Dated this the 19th October, 2007

JUDGMENT

Petitioner has approached this Court praying for a mandamus directing respondents 2 & 3 to permit the petitioner to appoint their Executive Officer as the Secretary of the 2nd respondent Bank in the place of Shri K.V. Kurien whose term is expiring on 10.10.2007. A declaration is also sought that the respondents are not entitled to withdraw the permission granted to the petitioner as per Ext.P6 and thereafter extended from time to time and thus take away the control of the petitioner Bank over the activities of the 2nd respondent. It is under the administration of an Administrator under Section 32 of the Act since the year 1997. Apparently, the case of the petitioner is that the petitioner Bank extended all facilities on the basis of the decisions taken in the Chamber of the Minister for Co-operation. Ext.P1 is the Minutes of the meeting held on 9.3.1999. It is

stated that as on 9.9.2001, an amount of Rs.18,85,79,104/= was due to the petitioner Bank from the second respondent. Ext.P6 Order dated 10.9.2002 would show that the Registrar of Co-operative Societies had permitted an employ of the petitioner Bank not below the rank of Branch Manager as Secretary of the second respondent Bank for a period of one year. It is stated that as on date, a sum of Rs.24,53,87,998/= is due to the petitioner Bank from the second respondent. While so, the petitioner apprehended that the second respondent is taking steps to employ one of the employees.

2. According to petitioner, having regard to the fact that huge amounts are due and steps are taken to revive the second respondent Bank, continuance of the nominee from the Society may be necessary. Petitioner has filed Ext.P7. I heard the Shri T.A. Shaji, learned counsel for the second respondent. I feel that a decision should be taken on Ext.P7. Accordingly, the Writ Petition is disposed of directing the third respondent to take a decision on Ext.P7 in accordance with law within a period of

three weeks from the date of receipt of a copy of this Judgment and till such time, the nominee of the petitioner will be allowed to continue.

K. M. JOSEPH, JUDGE

kbk.